

REMARKS/ARGUMENTS

In light of the above amendments and remarks to follow, entry of this amendment and reconsideration and allowance of this application are respectfully requested.

Claims 52, 58, 63 and 72 have been amended. Claims 52, 58-67 and 72 are pending in this application.

Claims 52, 58-67 and 72 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,224,886 (Akamatsu) and U.S. Patent Publication No. 2002/0018638 (Sparks), and further in view of U.S. Patent No. 5,990,940 (Hashimoto), U.S. Patent No. 5,621,579 (Yuen '579) and U.S. Patent No. U.S. 6,418,169 (Datari). In addition, claims 61 and 66 were rejected under 35 U.S.C. § 103(a) as being obvious over Akamatsu and Sparks, and further in view of Hashimoto, Yuen '579, Datari and U.S. Patent No. 6,147,715 (Yuen '715). Further, claims 62 and 67 were rejected under 35 U.S.C. § 103(a) as being obvious over Akamatsu and Sparks, and further in view of Hashimoto, Yuen '579, Datari, Yuen '715 and U.S. Patent Publication No. 2004/0208482 (Suga).

The present claims, as amended, now recite that "the decoder is (i) for determining whether the transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder using a predetermined coding system used at the receiving apparatus to decode a transport stream, and (ii) for generating decodability data indicating a result of determining whether the transport stream ... is decodable by said decoder using the predetermined coding system." In addition, the present claims now recite that where the decodability data indicates "the transport stream ... received through said digital interface is determined not able to be decoded in said decoder

using the predetermined coding system," a message is displayed based on the decodability data and showing that the program recorded on the recording medium loaded in the reproducing apparatus is recorded such that the "transport stream corresponding to the program recorded . . . cannot be decoded by said receiving apparatus using the predetermined coding system." (Emphasis added; independent claims 52, 58 and 63; independent claim 72 contains a similar limitation.)

As discussed in the application, a decoder, such as of a receiving apparatus of claim 52, may determine from a transport stream received at the apparatus whether the transport stream is decodeable using a predetermined coding system that is used at the receiving apparatus to decode a transport stream. For example, the predetermined coding system used at the receiving apparatus to decode a transport stream may be the MPEG2 system. (See specification, for example, at pg. 15, ln. 10-13). The decoder furthermore may generate decodability data, which indicates a result of the determination by the decoder whether the received transport stream is decodeable by the decoder using the predetermined coding system. In the case where the decodability data indicates that the received transport stream is determined not able to be decoded by the decoder using the predetermined coding system of the receiving apparatus, a message is displayed consistent with the decodability data indicating that the received transport stream has been determined not able to be decoded using the predetermined coding system. The message displayed, thus, shows that a program is recorded on the recording medium, such that the received transport stream corresponding to the program cannot be decoded by the decoder using the predetermined coding system, thereby notifying a user of the receiving apparatus of the reason

that the program cannot be displayed using the receiving apparatus. (See specification, for example, at p. 30, ln. 25-pg. 31, ln. 11 and pp. 53-54).

The Examiner admitted that Akamatsu, Sparks, Hasimoto and Yuen '579 do not disclose a decoder for determining whether a received transport stream is decodable, and furthermore displaying a message consistent with a result of such determination indicated by decodability data generated by the decoder, as required by the claimed invention. In addition, the applied portions of Akamatsu, Sparks, Hasimoto and Yuen '579 do not appear to disclose that the decoder may determine whether the transport stream corresponding to the program recorded received by the decoder is decodeable "using a predetermined coding system used at the receiving apparatus to decode a transport stream," and displaying a message based on the "decodability data [generated by the decoder] indicating a result of determining whether the transport stream . . . is decodable . . . using the predetermined coding system," as now required by the claimed invention.

The applied portions of Datari, which appear to disclose prioritizing data received from a plurality of sources based on a result of a comparison of attributes of the received data with attributes in a priority profile, does not cure the deficiencies of Akamatsu, Sparks, Hasimoto and Yuen '579 with respect to the requirements of the claimed invention described above. The applied portions of Datari do not appear to disclose determining whether the received transport stream is decodable using a predetermined coding system used at a receiving apparatus to decode a transport stream and, where decodability data generated from such determination indicates the received transport stream is not able to be decoded using the predetermined coding system, displaying a

message consistent with decodability data generated indicating such result, as required by the claimed invention.

Accordingly, it is respectfully submitted that the independent claims are patentable over the combination of Akamatsu, Sparks, Hasimoto, Yuen '579 and Datari as applied by the Examiner, for at least the above reason.

Claims 59-62 and 64-67 depend from one of the independent claims. Accordingly, it is also respectfully submitted that dependent claims 59-62 and 64-67 are distinguishable from Akamatsu, Sparks, Hasimoto, Yuen '579 and Datari as applied by the Examiner for at least the reasons previously described for claim 52.

Claims 61-62 and 66-67 depend from one of the independent claims. As a result, claims 61-62 and 66-67 are distinguishable from Akamatsu, Sparks, Hasimoto, Yuen '579 and Datari as applied by the Examiner for at least the reasons previously described. In addition, the Examiner does not appear to rely on Yuen' 715 or Suga to overcome the above-described deficiencies of the combination of Akamatsu, Sparks, Hasimoto, Yuen '579 and Datari. Accordingly, it is also respectfully submitted that dependent claims 61-62 and 66-67 are distinguishable from the combination of Akamatsu, Sparks, Hasimoto, Yuen '579 and Datari with Yuen' 715 or Suga as applied by the Examiner for at least the reasons previously described.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicants' attorney at (908) 654-

5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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